

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES BERNARD STARKE, III,

Plaintiff,

v.

STATE OF TEXAS,

Defendant.

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Civil Action No. **3:22-CV-677-L-BT**

ORDER

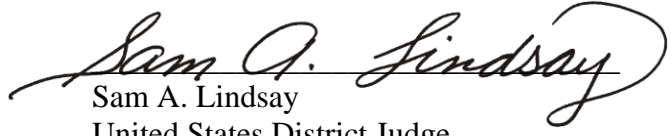
On March 25, 2022, the United States Magistrate Judge entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (Doc. 6) (“Report”), recommending that the court, pursuant to 28 U.S.C. § 1915, deny Motion to Proceed In Forma Pauperis (“Motion”) (Doc. 5) and dismiss without prejudice this action unless Plaintiff pays the filing fee by April 25, 2022. Plaintiff did not pay the filing fee by the deadline set by the magistrate judge or file objections to the Report.

Having considered the pleadings, Plaintiff’s Motion, the Report, file, and record in this case, the court determines that the magistrate judge’s findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Plaintiff’s Motion (Doc. 5) and **dismisses without prejudice** this action for failure to pay the filing fee as ordered.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*,
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707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 29th day of April, 2022.


Sam A. Lindsay
United States District Judge